

Serial No. 09/785,598
Atty. Docket No. 40357.010100d
Response to Final Office Action Mailed June 28, 2005

REMARKS

Claims 1-24 are pending in the present application.

Claim Rejections

Applicants thank the Examiner for withdrawing the previous rejection. Claims 1-10 and 13-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,778,543 to Frouin et al. (hereinafter "Frouin") in view of U.S. Patent No. 6,032,261 to Hulyalkar (hereinafter "Hulyalkar"). Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Frouin in view of Hulyalkar and further in view of "Application Critical Parameters for Rubidium Standards" by Weidemann (hereinafter "Weidemann"). Applicants respectfully traverse these rejections for at least the following reasons.

In rejecting the pending claims, the Examiner asserts that U.S. Provisional Patent Application Serial No. 60/183,617, filed February 18, 2000 (hereinafter "the '617 application"), does not support the currently pending claims and that therefore the instant application is entitled only to the priority date of November 3, 2000, corresponding to the filing date of U.S. Provisional Patent Application Serial No. 60/246,012. Applicant respectfully traverses the Examiner's assertion.

Support in the '617 application for the present independent claims is identified below. However, Applicants assert that the Examiner's assertion is arbitrary and capricious, as it does not indicate which elements of the pending claims are not supported by the '617 application. In the event that the Examiner maintains his assertion of the lack of support in the '617 application, Applicants respectfully request that the finality of the pending Office Action be

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withdrawn to allow Applicants an opportunity to more thoroughly address the Examiner's assertion. Applicants respectfully assert that the lack of a clear basis for the Examiner's assertion is in violation of the requirements imposed on the U.S. Patent and Trademark Office under the Administrative Procedure Act. As the Supreme Court of the United States held:

The Administrative Procedure Act, which governs the proceedings of administrative agencies and related judicial review, establishes a scheme of "reasoned decisionmaking." Not only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational.

Allentown Mack Sales and Service, Inc. v. National Labor Relations Bd., 522 U.S. 359,

374. Applicant respectfully asserts that the Office Action does not meet this burden, and respectfully requests that the Examiner either clarify his position in accordance with the requirements under the Administrative Procedure Act or withdraw the rejection.

While Applicants maintain that the Examiner's assertion that the '617 application does not support the pending claims is arbitrary and capricious, and therefore that Applicants should not be required to respond thereto without additional clarification from the Examiner, Applicants will show that the '617 application does support the currently pending independent claims. Applicants respectfully preserve their right to amend the current arguments and to provide additional arguments, both with respect to the Examiner's assertion and to the substantive rejection.

With respect to Claim 1, pages 20 through 23 of the '617 application as filed discuss the need for reference time distribution throughout the network, as recited in the preamble. Pages 14 through 16 of the appendix, as filed, elaborate on this. Pages 20 through 23 of the '617

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application also describe generating a network-wide time signal (e.g., a frame synchronization signal, or genlock) using a reference time generator (e.g. a time signal generated by a GPS). Figure 11 of the appendix illustrates distributing the network-wide time signal from a first node to a first segment of the network having a plurality of nodes. Similarly, Figure 11 of the appendix illustrates distributing the network-wide time signal to a first bridge portal (the lower item illustrated with a stylized "X" in the figure), and distributing the network-wide time signal from a second bridge portal (the upper item illustrated with a stylized "X" in the figure) to a second segment of the network having a plurality of nodes. Figure 12 of the appendix illustrates conversion of the network-wide time signal to a local synchronization, or reference, signal, and Figure 25 illustrates that this is done at each node. Page 15 of the appendix describes using the network-wide reference time (i.e. a high-order time) to generate synchronization and timecode signals (i.e. a low-order time). The network-inherent synchronization events are, as the claim language implies, inherent in the network protocol used (e.g., IEEE 1394 or ATM). Finally, page 15 of the Appendix describes the use of a bridge between the network segments. Having shown that all elements of Claim 1 are supported by the '617 application, Applicants respectfully assert that Claim 1 is entitled to the priority date associated with the '617 application, and that therefore Frouin is not proper prior art with respect to Claim 1.

With respect to Claim 13, Figure 11 of the appendix illustrates a network having a plurality of nodes. Pages 20 through 23 of the '617 application describe generating a network-wide time signal (e.g., a frame synchronization signal, or genlock) using a reference time

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generator (e.g. a time signal generated by a GPS). Figure 11 of the appendix illustrates connecting a designated node of the plurality of nodes to the reference time generator, and the distribution of the network-wide time signal over the network to the plurality of nodes. Figure 12 of the appendix illustrates conversion of the network-wide time signal to a local synchronization, or reference, signal, and Figure 25 illustrates that this is done at each node. Page 15 of the appendix distributing the network-wide reference time (i.e. a high-order time) to generate synchronization and timecode signals (i.e. a low-order time). The network-inherent synchronization events are, as the claim language implies, inherent in the network protocol used (e.g., IEEE 1394 or ATM). Finally, page 15 of the Appendix describes the use of a bridge between the network segments. Having shown that all elements of Claim 13 are supported by the '617 application, Applicants respectfully assert that Claim 13 is entitled to the priority date associated with the '617 application, and that therefore Frouin is not proper prior art with respect to Claim 13.

With respect to Claim 18, Figure 11 of the appendix illustrates distributing the network-wide time signal from a first node to a first segment of the network having a plurality of nodes. Figure 12 of the appendix illustrates conversion of the network-wide time signal to a local synchronization, or reference, signal, and Figure 25 illustrates that this is done at each node. The '617 application also describes generating a network-wide time signal (e.g., a frame synchronization signal, or genlock) using a reference time generator (e.g. a time signal generated by a GPS). Figure 12 of the appendix illustrates conversion of the network-wide time signal to a local synchronization, or reference, signal, and Figure 25 illustrates that this is

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done at each node. Pages 17 through 21 of the appendix describe a plurality of applications which operate using timing functions, the association of at least one application with a node, and the synchronization of timing of each node and the at least one application associated therewith using the local synchronization signal. Figure 11 of the appendix illustrates connecting a designated node of the plurality of nodes to the reference time generator, and the distribution of the network-wide time signal over the network to the plurality of nodes. Page 15 of the appendix distributing the network-wide reference time (i.e. a high-order time) to generate synchronization and timecode signals (i.e. a low-order time). The network-inherent synchronization events are, as the claim language implies, inherent in the network protocol used (e.g., IEEE 1394 or ATM). Finally, page 15 of the Appendix describes the use of a bridge between the network segments. Having shown that all elements of Claim 18 are supported by the '617 application, Applicants respectfully assert that Claim 18 is entitled to the priority date associated with the '617 application, and that therefore Frouin is not proper prior art with respect to Claim 18.

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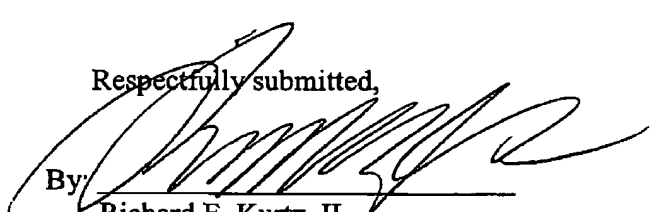
CONCLUSION

Applicants respectfully submit that all of the stated grounds of rejection have been properly traversed or rendered moot and believe that all pending claims are allowable over the prior art of record. Thus, it is believed that the present application is in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of the application, he is courteously requested to contact Applicants' undersigned representative.

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Respectfully submitted,

By


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